

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J)**

**Case No. – OA-151 of 2022**

Serial No. and Date of order	Dr. Manotosh Sutradhar	<b>VERSUS</b> – The State of West Bengal & Ors.
	For the Applicant	: Mr. M. Ganguly, Mr. C. Sarkar, Learned Advocates.
<u>15</u> 29.06.2022	For the State Respondents	: Mr. G.P. Banerjee, Learned Advocate.
	For the Private Respondent No. 7	Mrs. S. Roy, Mr. S. Seal Learned Advocates.
	For the Private Respondent No. 8	Mr. K. Das, Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

On consent of both the sides, matter has been taken up.

The counsel for the applicant today has placed one order dated 20.05.2022 passed in WPST-105 of 2021, whereby his client has withdrawn the writ petition before the Hon'ble High Court, Calcutta with a intention to pursue the present OA. Therefore, this OA may be heard.

The instant application has been filed challenging the veracity of the Internal Complaint Committee Report dated 14.06.2021. As per the counsel for the applicant, the said report was passed in violation of the provision in Sexual Harassment at Work Place (Prevention, Prohibition and Redressal Act), 2013. It has been submitted by the counsel for the applicant that the ICC without affording him any opportunity of examination and cross examination of witnesses in person as well as without supplying the preliminary Enquiry Report dated 05.03.2021, had found him guilty and recommended his case to the Disciplinary Authority for taking disciplinary action. On the basis of which, one Charge Sheet dated 09.07.2021 was issued to him. The applicant vide letter dated 23.07.2021 has made preliminary

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objection with regard to maintainability of the ICC Report dated 14.06.2021. It has been further submitted that even before the Presiding Officer of the ICC, the applicant had requested to cross examine the witnesses as well as complainants in person vide his letter dated 27.05.2021 (Annexure-A/9). However, without considering that, ICC had recommended the Disciplinary Authority to take action against him.

The counsel for the applicant has further submitted that against the order of the ICC, he had initially approached to the Principal Secretary; Health & Family Welfare Department, who in turn rejected his appeal on the ground of having no jurisdiction over the same vide rejection order dated 19.07.2021.

Being aggrieved with, he had approached this Tribunal challenging the said order in OA-765 OF 2021, which was disposed of vide order dated 25.11.2021 (Annexure-15) upholding the reasons for rejection of the Principal Secretary holding no jurisdiction on the same issue, against which the applicant had approached before the Hon'ble High Court, Calcutta in WPST-105 of 2021. However, since the applicant has approached this Tribunal challenging the ICC report as per the provision of Section 18 of the Sexual Harassment of Women at Work Place and the said Writ Petition against the earlier order of this Tribunal. Therefore, this WPST-105 of 2021 was dismissed as withdrawn vide order dated 20.05.2021.

Further, the counsel for the applicant has prayed for interim protection by way of stay of the ICC Report on the basis of which the respondents have already started Disciplinary Proceedings.

Counsel for the respondent has objected to grant interim stay of ICC Report and wants to file reply and matter can be disposed of.

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In view of the above, the respondents are directed to file reply by four weeks. Rejoinder, if any, may be filed by two weeks thereafter. The matter is directed to be heard finally on 26. 08.2022. No further time would be granted. However, any action taken on the basis of the ICC Report would be subject to the outcome of this OA.

URMITA DATTA (SEN)  
MEMBER (J)

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